



SADTU Update, February 2016

Speaker's Notes and booklet for the

2016 Education Workers' Forums

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Introduction

We greet you, the members of the biggest teachers and education workers union in our country.

We repeat this fact, saying we represent two thirds of teachers in our country and we are not being rude, unreasonable or arrogant when we expect to be consulted on anything about education in our country. This fact is supported by the National Education Policy Act when it cite two institutions that must be consulted before policies and laws are promulgated, those being CEM and the ELRC.

We are approaching our 26th anniversary, having grown from a membership of 30 000 members to 260 000. One of the strongest affiliates of COSATU, an ally of both the ANC and SACP and an important affiliate of education international. Our General Secretary serves in the all powerful executive board representing more than 400 unions in the world with a total membership of 30, 000, 000 teachers and education all over the world. Our union, your union is bigger and stronger than ever before.

We remain a beacon of hope for all teachers in the country, and admired by many unions in the continent.

We want to thank you for remaining loyal and discipline members of our union. Thanks for your hard work at schools, this you do under extremely difficult conditions. You do this because of the love for our children, because of the love you have for our country.

Our 2030 vision speaks about us creating a learning nation as Pillar **1**, we are part of the Quality Learning Teaching Campaign, and we are champions of our revolutionary

tasks of being at work, on time teaching every day. We continue encouraging our members to take these tasks serious. This we should understand as our contribution to the National Democratic Revolution, the shortest route towards Socialism.

It is our revolutionary task to stop sexual relations with learners and stop meting corporal punishment.

Our assignment remains the development of a human resource as our real contribution to building a National Democratic State. Any member or leader of SADTU not adhering to the above revolutionary task will delay and or abort our historical mission of the national democratic revolution and our final goal of attaining Socialism.

Last year, 2015 saw us fighting many battles, scoring some victories, key amongst being the demolishing of the annual national assessment. We want to thank you for your resilience even at times of high forms of confusion, blackmail and intermediation. You are aware that nothing can withstand and defeat workers when they are united. It is a fact that ANA will never be written again in our country , we are reviewing and will produced a remodeled tool that will serve to diagnose the state of health of the education system but also assist with targeted interventions.

Pseudo Movements

The current political climate with the rise of the “#MustFall” pseudo movements and the consistent undermining of collective bargaining by those in power demands that we do things differently this year with greater innovation and urgency. The “#MustFall” movements give rise to the possibility of our own space being invaded by the so-called radical alliance and we are not insulated from this possibility.

Some of these are funded and sustained by masked, undisclosed sources and are clearly becoming the first phases in an effort to effect regime change ultimately. This is the reason the “#MustFall” movement relating to student fees went as far as threatening the upcoming local government elections. Whilst the ANC led government managed to dilute the potency of student led “#FeesMustFall” movement, some undesirable elements have found a way to sustain it through what is now called the “#OutsourcingMustFall” movement. This pseudo-movement is led by disgruntled individuals and the possibility of invasion to our space is real.

We must as an organisation seize the moment and apply the correct strategy and tactics to ensure that genuine struggles of the working class are not hijacked by rogue regime-change elements and that we are not reduced to irrelevance as a union. It is us who must lead these struggles and it is us who must see to it that they are not used for the wrong reasons.

For 2016 we must go back to the basics if we are to survive what will likely be a rough patch. All signs are there that there will be another assault on our rights as workers. We expect those now outside our organisation to continue to work even harder in counter-organising against us using all forms of propaganda and underhand tactics.

We have to organize twice as hard, offer member benefits in line with our strategic goal number one of the 2030 vision and we must service them diligently. We have to go beyond the bare minimum because the enemy does not rest.

The “#MustFall” movements exposed the entire mass democratic movement and its respective components. The establishment that we seem to be associating with through being in alliance with the ruling party is challenged by a strata that we never thought could lead a revolution being the middle class.

This stratum is confident, educated and are good in articulating the demands of the poor and the working class. SASCO as the legitimate representative of the poor and working class students has been temporarily displaced, this then affects all organizations including SADTU. We highlighted earlier that organizations of the MDM and SADTU in particular are at risk of being displaced if we keep the social gap but also enjoy the comfort of incumbency and remaining in air conditioned offices. We need to be close to workers and pick up issues on behalf of members.

It is likely that this battle will be extended to TVET and later to Basic Education.

Campaigning Against School Fees

The freedom charter is clear in that the doors of learning shall be open for all. The ANC government has made major strides in this regard with no-fee schools which have incrementally increased access to education particularly at a primary school level. Access must still increase even further at the basic education level and it must go hand in hand with increase in quality infrastructure.

Defending Collective Bargaining

Collective Bargaining is continuing to be under a constant attack, with concerted efforts to weaken it until it does not exist anymore. The attacks on Centralized Collective Bargaining are manifesting themselves in many different forms, which requires a high level of vigilance and labour unity.

We are observing the growing trends of agentisation (***Creation of Agencies within the Public Service***) and outsourcing of services normally rendered by the Public Service. This is another form of privatization, thereby commodifying services that would have under normal circumstances been rendered by the Public Service.

We are seeing the State that is gradually succumbing to the pressures of monopoly capital which has always held the view that our Public Service is bloated. These attempts by the state to privatise and or agentise services, are influenced by such a notion of a bloated Public Service.

What are the implications of this agentisation?

- Reduction of the number of Public Service Workers – Agencies outside the Public Service are created by cutting out a portion of the Public Service and its functions, to be performed by such Agencies. Such personnel and their functions will not be replaced in the Public Service.
- Decentralizing Collective Bargaining – Agencies do not conform to a principle of Collective bargaining, in that conditions of service of its employees shall be determined by the Minister and not through Collective Bargaining. Such employees who were previous in the Public Service will no longer form part of the PSCBC and all other Sectoral Bargaining Councils such as ELRC, SSSBC,

GPHDSBC and GPSSBC.

- Fragmented Trade Unions – The unity and cohesion of Public Service Unions is threatened. Unions will not be able to use their collective power as they will be organising in many separate entities.

If we're not vigilant enough, we shall find ourselves left with a skeletal Public Service, with all functions taken to the Agencies. This is a way of weakening us as the Public Service Unions.

Besides the General Public Service, we cannot go unscathed as Education Sector. We saw in the recent past how the debate on declaring Education an Essential Service was introduced into the public arena without engaging us as the major stakeholder in Education.

We insisted that declaring education an essential service would be extremely short sighted and deny us the opportunity as a country to address the core problems in our education system.

The suggestion that teacher strikes were at the root of our undesirable education outcomes was misleading and symptomatic of a leadership that was oblivious to the real challenges in the sector.

We engaged at the highest level of the movement, advanced sound and legitimate legal arguments and made our views public knowledge and have since nullified the arguments from those who wanted to see education being declared an essential service.

The Privatisation of Education

In recent years we have seen an increase in the number and influence of “edu-preneurs” and their “edu-businesses”. These are the organisations that see our children as a commodity and have identified education as the new “goldmine”.

Private capital exists to serve only one purpose, profit maximation. Privatisation in education comes in varying forms including the assessments regime, teacher development, learning and teaching material, low fee private schools and the list is endless. The increasing influence of private capital in education will go against the noble ideal of education being a public good, a right and not a privilege. It will take away our right as society to influence education policy and put it firmly in the grip of shareholders and directors of edu-businesses, this will ensure that our children are modelled to become an obedient labour force for the market to exploit.

The other trend that we have seen is having ANA administered by the Private Service Providers. Is this not selling education for profit?

The department is currently at pains to have the examinations run by Private Service Providers as well. What then becomes the role of Educators who have been teaching the learners throughout the entire year? Is this not the way of rendering the Educators redundant?

We need to remain vigilant and defend Collective Bargaining at all cost.

Migration of TVET Lecturers in terms of the Public Service Act

The TVET Lecturers have been migrated back to the State in terms of the Public Service Act. This has had a huge implication on the jurisdiction of the bargaining forum in which such Lecturers' issues would be dealt with.

In keeping up with such challenges, the ELRC is currently embarking on a process of amending its constitution in order to extend its scope in order to accommodate such Lecturers who are now appointed in terms of the Public Service.

Conditions of service of CET (AET) Lecturers

This matter has been a sore point at the ELRC since the CET Lecturers were transferred to DHET. This is due to fact both the DBE and DHET never had interest to discuss the conditions of service for these vulnerable educators citing an issue of jurisdiction of the ELRC as a Bargaining Council.

The ELRC took a similar approach it took with the TVET Lecturers of amending the scope of the Council in order to have CET Lecturers accommodated within the ELRC.

NB: The ELRC is currently resolving all the disputes of both the TVET and CET Lecturers.

Government Employees' Medical Scheme (GEMS)

During the 2015/16 Public Service Wage negotiations, the PSCBC concluded two Resolutions dealing with GEMS:

Resolution 2 of 2015: The resolution dealt with the increase of medical aid subsidy by 28.5% to cover the period 2012 – 2014 during which the government subsidy was never increased; It further dealt with future increases that shall be in accordance with the Medical Price Index (MPI) and shall be adjusted on the 1st of January of each year.

On the adjustment according to the Medical Price Index:

The employer has not implemented the adjustment on the 1st January 2016 in line with the MPI that was determined in August 2015 as at 9%.

This has a negative effect on the members because despite the failure by the employer to adjust the subsidy by 9%, GEMS has already increased its subscriptions in January 2016 as follows:

- Sapphire: 9%
 - Beryl: 9%
 - Ruby: 9.25%
 - Emerald: 9.25%
 - Onyx: 11.15%
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- Even on average the increase by GEMS is 9.39%, a figure still above the MPI.

GIVEN THE SCENARIOS ABOVE, CAN WE SAY GEMS IS STILL AFFORDABLE???????

Resolution 3 of 2015: Given the challenges experienced by the members of GEMS and lack of accountability to members, the PSCBC concluded Resolution 3 of 2015 that would allow the Parties to the PSCBC to review GEMS in order to streamline its Administration and Governance and to make it accountable to the PSCBC. This is a way of taking back the control of GEMS back to its owners; i.e. members.

The resolution therefore called for a review on the efficacy of the operating model of GEMS; and whether GEMS is fulfilling the objectives which it was established for, which is access and affordability.

It further stated that the review process should be completed within 12 months of the signing of the resolution; The resolution was signed in May 2015.

The review process has not yet begun due to the dispute we had to declare on the non-implementation of 7% and thereafter the dispute on the non-implementation of the R1200.00 Housing Allowance.

GIVEN THE POSTURE OF THE STATE ON THE IMPLEMENTATION OF THE SIGNED RESOLUTIONS, HOW DO WE INTENSIFY OUR CALL FOR A NATIONAL HEALTH INSURANCE AND SCRAP GEMS THAT IS FAILING ON ITS PRIMARY OBJECTIVES???????

Government Employee Housing Scheme (GEHS)

During the 2015/16 Public Service Wage negotiations, amongst others, the PSCBC concluded Resolution 7 of 2015 *“Framework for the establishment of a Government Housing Scheme (GEHS)”*

The purpose of the scheme is amongst others:

- To enhance employees’ access to affordable housing;
- To promote home ownership and facilitate asset security among employees;
- To assist employees to access affordable housing loans and finance;
- To assist employees to rent houses with a view to buy and own homes.

Governance and Administration

- The Scheme shall operate as a Government Component, with labour as part of the architectural design of the scheme and governance thereof.

CHALLENGES I.R.O. THE IMPLEMENTATION OF GEHS

Non-Implementation of R1200.00 Housing Allowance

- Labour declared a dispute on the 4th December 2015 due to the failure of the employer to implement the R1200.00 Housing Allowance, after a series of commitment by the employer to pay;
- The matter was concluded on the 22nd January 2016 through the signing of a settlement agreement, which would be certified as an arbitration award to make final and binding;

- Through the settlement award the employer committed to pay the Housing Allowance with effect from 15 February 2015.

Enrolment to the GEHS

The Employer issued an implementation circular indicating that the payment of housing allowance to eligible home owners shall commence from the 15th February 2016 onwards backdated to 1st July 2015, for employees who submit enrolment forms.

NB: THE ENROLMENT DATE OF THE 31 JANUARY 2016 DOES NOT MEAN THAT THOSE WHO SHALL HAVE NOT SUBMITTED THE FORMS BY THAT DATE SHALL NOT RECEIVE THE HOUSING ALLOWANCE.

AS AND WHEN EMPLOYEES SUBMIT THE FORMS, THEY SHALL RECEIVE THE HOUSING ALLOWANCE.

Savings Facility

Resolution 7 of 2015 (GEHS) further provides for establishment of an “individually-linked” savings facility for employees who are eligible to receive a housing allowance but do not own a home.

Such employees shall continue to receive R900 instead of the total housing allowance and the difference thereof (R300) shall be diverted into an “individually-linked” savings facility.

Challenge: The discussions are still ensuing regarding the location of this facility: Post Bank or S.A. Retail Bonds.

2016 Retirement and Tax Reforms

Purpose

- The Taxation Laws Amendment Act of 2015 is now law with effect from 1 March 2016 and includes some of the Government's Retirement Reform proposals which are designed to harmonise the tax treatment and annuitisation requirements for the three types of Retirement Funds.

THE THREE (3) TYPES OF RETIREMENT FUNDS

In South Africa there are currently the following three types of Retirement Funds:

1. Pension Funds (employer or bargaining council formed)
2. Provident Funds (employer or bargaining council formed)
3. Retirement-Annuity Funds (individually funded)

Rules affected by the new Retirement Reforms	Current Legislation up to and including 29 February 2016			New legislation applicable from 1 March 2016
	Pension Funds	Provident Funds	Retirements Annuities	
Employee Tax Treatment of Contributions to Retirement Funds	Limited to the greater of R1,750 or 7,5% of pension funding income. Contributions are paid with before tax money.	No tax deduction applies to employee contributions. Employee contributions are paid with after tax money.	Limited to 15% of non-pensionable income or R3,500, less deductible pension fund contributions or R1,750. Contributions are paid with before tax money	Employee tax deduction contributions will increase to 27,5% of taxable income for all three Retirement Funds to a maximum annual limit of R350,000 per annum. Current Provident Fund Members only: Monthly take-home pay will increase as your Provident Fund contributions will be paid with before tax money with effect from March 2016
Employee Arrear Contributions to Retirement Funds	Limited to R1,800 per annum, any excess over this amount may be carried forward to the following year of assessment		Any excess may be carried forward to the following year of assessment.	Any excess may be carried forward to the next or future years' of assessment.

Rules affected by the new Retirement Reforms	Current Legislation up to and including 29 February 2016			New legislation applicable from 1 March 2016
	Pension Funds	Provident Funds	Retirements Annuities	
Employee income base “definition” against which retirement fund contributions are tax free	Pension or retirement Fund Income only	Not applicable	For Pension Fund Members, only applicable to non-pensionable or retirement funding income. For members who are not members of a pension fund, currently applicable to all taxable income.	The higher of “gross remuneration or taxable income” and includes income from other employment, investments, property rentals, etc.
Employer Contributions to Retirement Funds	Limited to 20% per annum to all benefit funds, i.e. Retirement, Group Life and Disability and Medical Aid, etc. Does however excludes Retirement Annuities		Currently, there is no limit to the amount that an employer can contribute on behalf of the employee	Employer contributions will no longer be allowed and in all instances will be treated as an employee contribution
Employee withdrawal from the fund on termination of employment (for whatever reason) and any time thereafter but before age 55 yrs	The full fund credit can be withdrawn	The full fund credit can be withdrawn	No amount can be withdrawn until the employee is 55 yrs of age.	No change

Rules affected by the new Retirement Reforms	Current Legislation up to and including 29 February 2016			New legislation applicable from 1 March 2016
	Pension Funds	Provident Funds	Retirements Annuities	
Employee withdrawal from the Fund on Retirement	Only one third of the Fund value can be withdrawn as a cash lump sum The remaining two thirds has to be annuitised and is used to purchase a compulsory annuity or monthly income for the employee	The full fund value can be withdrawn as a cash lump sum	Only one third of the Fund value can be withdrawn as a cash lump sum The remaining two thirds has to be annuitised and is used to purchase a compulsory annuity or monthly income for the employee	Only one third of the Fund value can be withdrawn as a cash lump sum The remaining two thirds has to be annuitised and is used to purchase a compulsory annuity or monthly income for the employee
Exemptions related to employee lump sum withdrawals from Retirement Funds on Retirement	Fund balances of R75,000 or below can be withdrawn as a cash lump sum and are not subject to annuitisation.	None, the full value can be withdrawn as a cash lump sum.	Fund balances of R75,000 or below can be withdrawn as a cash lump sum and are not subject to annuitisation.	All fund values of R247,500 or below can still be withdrawn as a cash lump sum on retirement. Applicable to current Provident Fund members only: Members who are 55yrs or older as at 1 March 2016 are exempt from compulsory annuitisation and can withdraw their full Fund value as cash lump sum on retirement; and The full Fund value that has accrued up to and including 29 Feb 2016 can still be withdrawn as a cash lump sum on retirement

TAX TREATMENT OF CASH LUMP SUMS PAID BY RETIREMENT FUNDS ON RETIREMENT OR ON SEVERANCE

Taxable Income from lump sum benefits	Rates of Tax
Not exceeding R500,000	0% of taxable income
Exceeding R500,000 but not exceeding R700,000	18% of amount by which taxable income exceeds R500,000
Exceeding R700,000 but not exceeding R1 050,000	R36,000 plus 27% of amount by which taxable income exceeds R700,000
Exceeding R1 050,000	R130 ,500 plus 27% of amount by which taxable income exceeds R1 050,000

It is important to note that ALL lump sums received from any received from any retirement fund, whether as a result of retirement or not (and from an employer in respect of a severance benefit) are taxed on a cumulative basis. The significant impact of this is that, when a member eventually retires, the total value of all the lump sum benefits received by an employee, after 1 October 2007 will be taken into account when calculating the tax payable on the employee's current retirement fund lump sum or severance benefit.

TAX TREATMENT OF CASH LUMP SUM PAID BY RETIREMENT FUNDS ON TERMINATION OF EMPLOYMENT AND PRIOR TO 55 YEARS OF AGE

It is also important to note that ALL lump sum received from a Retirement Fund on termination of employment and prior to 55 years of age will be taxed as additional income in the hands of the employee and will be subjected to the current or prevailing tax tables for the relevant year when the amount is withdrawn. The generous tax exemptions in the table above will therefore not apply.

Record of NEC Decisions on MTT recommendations

RECORD OF DECISIONS OF OUR NATIONAL EXECUTIVE COMMITTEE (NEC) (28 January 2016) ON THE FINDINGS AND RECOMMENDATIONS OF THE MINISTERIAL TASK TEAM (MTT), INTO ALLEGATIONS OF IRREGULAR APPOINTMENT OF EDUCATORS AT SCHOOL.

A. FINDINGS RELATING TO MATTERS OF ADMINISTRATION.

A1. On the findings of the MTT on whether SADTU as a union played any role in irregular appointment of educators at schools.

NEC Resolution:

- The MTT should be called upon to provide direct cogent evidence of its findings or withdraw unconditionally any suggestion that SADTU was involved and/or played any role in any irregular appointment.
- The MTT should be called upon to indicate and provide cogent evidence of the relationship between the membership of the individual members in respect of whom it investigated, such membership and the role played by SADTU in any alleged role by such members in any irregular appointment and to provide evidence of such irregular appointments and the role played by SADTU.

A2. On the findings of the MTT on whether officials and members of SADTU played any role in the irregular appointment of educators at schools.

NEC Resolution:

- SADTU does not condone the appointment of any person who does not hold

appropriate qualifications for any post in the public service. SADTU calls on the MTT to verify the qualifications of those members whose qualifications it finds questionable with the South African Qualifications Authority. SADTU is undertaking its own independent process to verify those qualifications and should it be found that any of its members were appointed without the requisite qualifications SADTU will take decisive action against such members including but not limited to their expulsion.

- Members and officials of SADTU who are implicated and/or found to have played any role in irregular appointments must where sufficient evidence exist be subjected to disciplinary and other action prescribed in law. SADTU resolves to conduct its own independent investigation in the conduct of such members and will take appropriate action should any evidence be found of wrongdoing on the part of such members or officials in line with the Constitution of SADTU.
- SADTU resolves that in those instances where persons who lodged complaints and failed to provide evidence to support their allegations, disciplinary and other actions be taken against such person. SADTU therefore calls upon the government to take appropriate action against such persons.
- To the extend person who lodged complaints with the MTT well aware that those matters were already adjudicated upon, such persons abused the process of the MTT and to face consequences for such abuse.
- SADTU further resolves to call upon all members to give their full cooperation to any agency in the implementation of any actions against those found to be involved.

B. FINDINGS RELATING TO MATTERS OF A POLITICAL NATURE

B1. On the findings of the MTT on the issue of the alleged cadre deployment by SADTU.

NEC Resolution:

- SADTU rejects the allegations of the MTT with regards the alleged cadre deployment. SADTU calls upon the MTT to provide evidence to support the allegations of a cadre deployment programme and to provide specific evidence of any person or persons who was appointed as a result of any such cadre deployment. Should the MTT fail to provide any such evidence, the MTT is called upon to unconditionally withdraw any such allegations and tender an apology to both SADTU and its members.
- Whilst SADTU acknowledges possible isolated instances where unqualified persons were appointed, SADTU rejects any suggestion that the overwhelming members of the teaching profession are unqualified or appointed to positions where they are not suitably qualified for. SADTU calls upon the MTT to provide evidence of any appointments of an audit of the qualifications of teachers in general and its members in particular who are not qualified in the positions in which they are appointed. Should the MTT fail to provide such evidence, the MTT is called upon to unconditionally withdraw any such allegations.
- SADTU rejects the allegations of corruption levelled against it by the MTT and calls upon the MTT to either lay charges of corruption against SADTU or provide evidence of any such corruption or withdraw the allegations and tender an unconditional apology.

B3. On the findings of the MTT with regards the investigation report by SACE and the alleged domination and manipulation of SACE by SADTU.**NEC Resolution:**

- SADTU reaffirms its position that SACE is a professional body for educators by

educators structured as agreed between the parties to SACE. SADTU further reaffirms its position that the representation on the SACE Board accords with proportion of the constituents of SACE and therefore rejects any suggestion of the alleged domination and manipulation.

- SADTU places on record that it has at no stage seen any report prepared by SACE tabled at any SACE Board meeting or discussed at any board meeting or discussed by SADTU or its officials. SADTU therefore rejects any suggestion that it embargoed any SACE report and demand that the MTT provide proof of the existence of such a report as well as the evidence that SADTU embargoed any such report.
- SADTU further resolves that should the MTT fail to produce such proof and evidence, the MTT is required to make an unconditional apology to SADTU for making such unfounded allegations.

B4. On the findings of the MTT on the issue of the relationship between the ANC, SACP and COSATU and the alleged use by SADTU of these structures to advance corrupt appointments.

NEC Resolution:

- SADTU notes that the MTT veered off its terms of reference and entered a political space. SADTU takes strong exception to the MTT probing its political relationship which SADTU is entitled to have and distorting facts to create an impression of a corrupt political establishment.
- SADTU also rejects any proposition that its leaders are preoccupied with securing positions in parliament and Cabinet.
- SADTU reaffirms its confidence and trust in its former leaders who through the processes of the Tripartite Alliance are deployed in parliament and Cabinet.

- SADTU consequently calls on the MTT to clarify its interest in the political relationship between SADTU and the tripartite alliance and to provide evidence of its allegations or unconditionally withdraw any such allegations and apologise to SADTU and those former members and leaders who now occupy positions in parliament and Cabinet.

C. FINDINGS OF THE MTT WITH REGARDS SCHOOL GOVERNING BODIES.

NEC Resolution:

- SADTU reiterates its position that School Governing Bodies are organs of mass participation intended to provide a structured platform for the effective participation of parents and communities in the education of their children. SADTU further reaffirms its position that as education is a societal issue, any attempt to limit community and parental participation in the affairs of the schools will undermine this principle.
- SADTU rejects any suggestion and views that as an insult that illiteracy and poverty provide a basis for any conclusion that parents may be for that reason manipulated. On the contrary SADTU holds a view that the participation of parents in rural areas in particular despite the various limitations accounts for a significant contribution in the education outcomes.
- SADTU further affirms the rights of parents and communities to elect into leadership positions through a democratic process members of School Governing Bodies regardless of the level of education and does not believe in any proposition that lack of formal education reduces parental responsibility.
- SADTU notes the attempt by the MTT to reintroduce the concept of state schools and to reverse the transformational approach from state schools to public schools and reject with the contempt it deserves any such approach. SADTU reiterates its position that schools must remain public schools and the true

owners must remain the communities the school serve.

- SADTU resolves that any proposition to reduce the powers of School Governing Bodies be rejected and that more resources be made available for capacity building programmes for School Governing Bodies.

D. FINDINGS REGARDING THE PERFORMANCE OF SCHOOLS LED BY SADTU MEMBERS.

D1. Findings of the MTT on the alleged role of SADTU in preventing the provision of proper education and the alleged advancement of self-interest.

NEC Resolution:

- SADTU notes that the conclusions of the MTT are based on the biased views of the members of the MTT against SADTU and its members and are not based on objective facts. The MTT has not investigated the performance of many schools under the leadership of SADTU members who have performed above the national target.
- SADTU notes that a number of schools under the leadership of members of SADTU in various provinces performed above the national target of 70% in the 2015 NSC examinations.
- SADTU acknowledges the many of its members who received awards for high performance in the various categories following the performance of their schools. SADTU believes these are examples of pockets of excellence which the MTT has elected to ignore.
- SADTU rejects the suggestions and innuendo of the MTT which are neither factual nor based on objective facts and calls upon the MTT to withdraw any such allegations.

E. FINDINGS RELATING TO MATTERS INVOLVING RIGHTS OF MEMBERS.

E1. On the findings of the MTT regarding the issue of membership and recruitment.

NEC Resolution:

- SADTU wishes to reiterate that the rights of workers to belong to a union of their choice is a right guaranteed in terms of the Bill of Rights. SADTU rejects any attempt to limit any such right by way of an executive decree and not in line with the procedure set out in the Bill of Rights of requiring rights to only be limited by a law of general application.
- SADTU further rejects any attempt through the process of the MTT or any other process to water down the structures, systems and procedures set out in the Labour Relations Act to give effect to the right of workers guaranteed in the Bill of Rights.
- SADTU notes with contempt the attempt by the MTT to introduce apartheid era policies into our democratic system.

E2. Findings of MTT regarding the relationship between the Department and SADTU.

NEC Resolution:

- SADTU reaffirms its position that its primary responsibility as a trade union is towards its members. SADTU further reaffirms its position that it has the right to enforce its collective bargaining rights and to insist on compliance by the Department with collective bargaining processes and systems.
- SADTU reaffirms that the Department as an employer is required to contribute to labour peace by not taking unilateral decisions which have adverse implications for members.

F. APPROACH AND METHODOLOGY MTT.

F1. On the failure to base findings on evidence and objective facts.

NEC Resolution:

- SADTU believes that the conclusions and findings of the MTT in many respects are not based on objective facts or supported by evidence.
- SADTU further questions the methodology and approach adopted by the MTT which did not include obtaining any evidence either on a sample bases as an accepted best practice to make certain conclusions. For instance SADTU rejects a conclusion of wholesale irregularities in appointments in the absence of an audit at the least on sample basis to determine whether specific irregularities occurred in the appointment process. SADTU also rejects conclusions based on perceptions where no perception surveys were conducted.
- SADTU further notes that the MTT mainly relied on one newspaper article despite creating an impression that there was extensive media coverage. Whilst SADTU recognises the responsibility of media to report on matters of public interest, SADTU equally rejects the propagation and reliance on untested media reports.
- SADTU notes that various persons and organisations are alleged to have made various adverse reports and expressed negative views about SADTU. SADTU notes that the MTT has not at any stage provided SADTU with an opportunity to respond to such reports and views on the strength whereof the MTT based its conclusions and findings.
- SADTU notes that the MTT has deviated from its mandate and focussed on matters unrelated to its mandate. SADTU believes that this amply demonstrates that the MTT commenced this investigation with a pre-conceived mind and this

explains the apparent bias towards SADTU and its members.

- SADTU calls upon the MTT to declare in public that its investigation was not influenced by any political or other pressure to target SADTU as part of the broader mass democratic movement and to discredit the overall socio-economic and political change process driven by the mass democratic movement.
- SADTU calls upon the MTT to provide official reasons in public for its failure to have the plethora of allegations made against SADTU and the Tripartite Alliance tested and the parties afforded an opportunity to refute such allegation prior to making the conclusions the MTT has made in its report.

Conclusion

SADTU doesn't condone corruption, fraud and non-meritorious appointments. Selling of posts is counter-revolutionary and any member found guilty of this act must be harshly dealt with. Members are called upon to defend this fighting Union, SADTU. Collective Bargaining and Consultations at NEDLAC, PSCBC and ELRC must be defended. We are COSATU and we shall not allow unilateral policy declaration on any matter.

